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HUBB SYSTEMS, LLC
7

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

10 HUBB SYSTEMS, LLC,

11 Plaintiff,

12 vs.

13 MICRODATA GIS, INC.,

14 Defendant.
15

Case No.: C07-02677 BZ

**DECLARATION OF DAVID C. LEE IN
SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION**

Date: August 1, 2007

Time: 10:00 am

Courtroom G

Magistrate Judge Bernard Zimmerman

16
17 I, DAVID C. LEE, declare as follows:

18 1. I am an attorney with the law firm Fitzgerald Abbott & Beardsley LLP, attorneys
19 for Plaintiff HUBB SYSTEMS, LLC ("Plaintiff") in the above captioned matter. I submit this
20 declaration in support of Plaintiff's motion for a preliminary injunction. I have personal
21 knowledge of the matters set forth herein, unless otherwise stated on information and belief, and
22 if called as a witness, I could and would competently testify thereto.

23 2. Defendant microDATA GIS, Inc. ("Defendant") utilizes a URL
24 ("www.microDATA911.com") that incorporates the term "DATA911" which is a federally
25 registered and incontestable trademark owned by Plaintiff.

26 3. On June 20, 2007, I conducted an internet search using the web address
27 "www.microDATA911.com." I also conducted an internet search using the web address
28

1 "www.microdatagis." Both web addresses accessed the same website which appears to be
2 maintained by Defendant microDATA GIS, Inc. Based on my searches, I am therefore
3 informed and believe that Defendant's "www.microDATA911.com" website, in actuality, is a
4 portal site that routes internet users searching for "DATA911" to Defendant's primary website
5 ("microdatagis.com").

6 4. A review of Defendant's "www.microDATA911.com" website reveals that
7 Defendant openly uses "microDATA911" on its website to promote its goods and services. The
8 "microDATA911" mark used by Defendant, as reflected on its website, establishes that
9 Defendant intentionally capitalizes the "DATA911" portion of its "microDATA911" mark to
10 ostensibly emphasize the similarities to Plaintiff's federal trademark. A true and correct copy of
11 an excerpt from Defendant's website (www.microDATA911.com) is attached hereto as Exhibit
12 A.

13 5. I am informed and believe that Defendant also prepares press releases that
14 similarly capitalize the "DATA911" portion of its "microDATA911" mark. A true and correct
15 copy of a press release prepared by Defendant and located on its website
16 (www.microDATA911.com) is attached hereto as Exhibit B.

17 6. As reflected in Exhibit A, above, I am informed and believe that Defendant has
18 been in business for over 15 years.

19 I declare under penalty of perjury as set forth under the laws of the State of California
20 that the foregoing is true and correct and that this declaration was executed on June 21, 2007, in
21 Oakland, California.

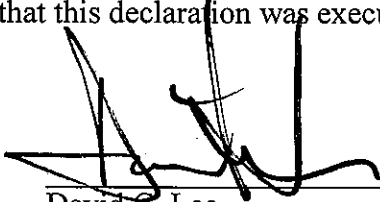
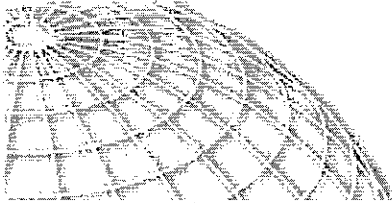
22
23 
24 David C. Lee
25
26
27
28

EXHIBIT A



microDATA 911

*The dispatchers have
with the map and the sin
friendly approach.*

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BUSINESS PARTNERS

Together, We Save Lives

As an innovation leader, microDATA 911 has been providing the 9-1-1 industry with integrated GIS-centric solutions longer than any other provider in the industry. For over 15 years we have utilized both GIS and IP to produce solutions that both our customers and business partners trust and rely upon.

As a market leader we have established strategic business partner relationships with the following companies that share our vision and commitment to offer quality solutions that enable our customers to do what they do best, which is save lives and property.

Together, we're changing the world of 911

ESRI
Business partner since 1995

microDATA 9
Business Partner
Year Award V

AK Associates, Inc.
Business partner since 1999

Valor Systems
Business partner since 2000

Verizon Business
Business partner since 2001

Pictometry
Business partner since 2004

Southern Software, Inc.
Business partner since 2004

Spectracom
Business partner since 2007

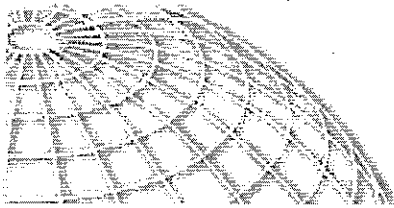


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microDATA 911 1016 U.S. Route 5 St. Johnsbury, VT 05819 800.722.6663 802.748.5503 802.748.5447 fax sales@microdata

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EXHIBIT B



microDATA

Together, we're c
the world of

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Press Releases

[Trade Shows](#)

[Technology
Seminar](#)

[eNewsletters](#)

[Press Releases](#)

[ESRI Partner of Year](#)

[Vermont goes IP](#)

[Holly Stone](#)

[Sam Bard](#)

[Nate Wilcox](#)

[Martinsville-Henry,
VA](#)

[Pictometry](#)

April 23, 2007

St. Johnsbury, VT — The ESRI Boston regional office recently named microDATA 911 Partner of the Year at their National Business Partner Conference in Palm Springs, California. ESRI praised microDATA 911 founder, Bruce Heinrich, for his early acknowledgement that GIS applications would have a powerful impact on locating a 9-1-1 caller and saving lives and property. "microDATA 911 has been changing the world of 9-1-1 by specializing in GIS-based E9-1-1 software and data development. They [have] steadily built a commitment to ESRI technology with an integrated suite of products called 'The X-Solution' that are fully integrated with the ArcGIS architecture. We appreciate the continued long-term contributions to our business partner relationship," stated ESRI's Dawn Caravallo.

Check out microDATA 911 at booth #1531 June 18 - 22 at the ESRI International User Conference in San Diego, CA.

[Link to ESRI website](#)



On behalf of microDATA 911, Allison Cassa McMullen accept the ESRI Partner of the Year award at the Worldwide Business Partner Conference in

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PROOF OF SERVICE - F.R.C.P. §5

I, the undersigned, declare: I am employed in the County of Alameda, State of California. I am over the age of 18 and not a party to the within action. I am employed by Fitzgerald Abbott & Beardsley, located at 1221 Broadway, 21st Floor, Oakland, CA 94612. I am readily familiar with this firm's business practice of processing of documents for service.

I hereby certify that on **June 22, 2007**, a true and correct copy of the following document(s) was filed electronically:

DECLARATION OF DAVID C. LEE IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

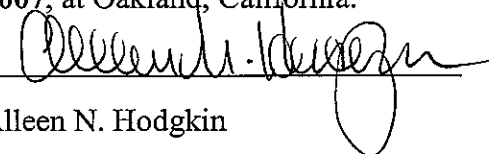
Notice of this filing will be sent by operation of the United States District Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties listed below will be served by the method indicated:

R. Prescott Jaunich
DOWNS RACHLIN MARTIN PLLC
 199 Main Street, P. O. Box 190
 Burlington, Vermont 05402
 Telephone: 802-863-2375
 Facsimile: 802-862-7512
 Email: sjaunich@drm.com

Counsel for Defendant microDATA GIS, Inc.

X	U.S. Mail - By placing a copy of said document(s) in a sealed envelope with postage thereon fully prepaid, and depositing said envelope with the U.S. Postal Service, following this firm's business practices.
	Federal Express - By placing a copy of said document(s) in a sealed pre-paid overnight envelope and deposited with Federal Express, following this firm's business practices.
	By Personal Service - I caused such envelope to be delivered by hand on the office(s) of the addressee(s).
	Facsimile - By placing a true copy thereof into a facsimile machine to the fax number stated above, as evidenced by the attached transmission report.

I declare under the penalty of perjury under laws of the State of California that the foregoing is true and correct. Executed on **June 22, 2007**, at Oakland, California.


 Alleen N. Hodgkin